

REMARKS

Status of the Claims

- Claims 1-33 are pending in the present Application.
- Claims 1-8, 15-23 and 30 are elected for examination.
- Claims 9-14, 24-29, and 31-33 are provisionally withdrawn.

Election of Claims

The Office Action dated 12/22/2006 states a restriction of the claims of the current application as follows:

Invention I: Claims 1-30, drawn to periodically saving data items, searching an archive, and applying a communication client, classified in class 707, subclass 102.

Invention II: Claims 31-33, drawn to a method of providing and selecting from a menu on a display, classified in class 707, subclass 103.

Additionally, the Office Action states an additional restriction within Invention I above according to species as follows:

- a. Invention I-A: Claims 1-4, 5-8, 15, 16-19, 20-23 and 30.
- b. Invention I-B: Claims 1-4, 9-12, 15, 16-19, 24-27 and 30.
- c. Invention I-C: Claims 1-4, 13-14, 15, 16-19, 28-29 and 30.

The Office Action, page 2, states that the species are independent or distinct because they respectively present methods of periodically saving data items, searching a time-based archive of saved items, and utilizing a communication client have a plurality of messages. Also, it is stated that Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant respectfully traverses the restriction requirement because the three separate species designations above, Invention I-A, I-B, and I-C, each have 10 claims which are common to all three species. Thus:

Species I-A includes 18 claims, of which 10 are common to species I-B and I-C; namely Claims 1-4, 15, 16-19, and 30.

Species I-B includes 18 claims, of which 10 are common to species I-A and I-C; namely Claims 1-4, 15, 16-19, and 30.

Species I-C includes 14 claims, of which 10 are common to species I-A and I-B; namely Claims 1-4, 15, 16-19, and 30.

Applicant suggests that if 10 claims are common to all three species, and those 10 claims include independent Claims 1 and 16, then the statement on page 4 of the Office Action that there are no generic claims is inaccurate. Thus, Applicant respectfully suggests that it may not be a burden to the examine all species claims in Invention I.

Applicant elects the claims of Invention 1-A (Claims 1-8, 15-23, and 30) for examination. Applicant understands that the claims of Invention 1-B, 1-C, and Invention II may be examined after Invention 1-A if a linking claim to one or more of those groups is found to be allowed.

Respectfully submitted,

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